

REMARKS

Claims 10, 13, 14, 16 and 18-23 are pending in the application. By this Amendment, claims 10, 13 and 18-20 and 23 are amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

FORMAL MATTERS

The Office Action objects to claims 13 and 14 under 37 C.F.R. §1.75(c) as allegedly being of improper dependent form. The Office Action also rejects 13, 14 and 18 under 35 U.S.C. §112, second paragraph, as allegedly indefinite.

By this Amendment, claims 10, 13 and 18-20 are amended to correct matters of form. It is respectfully submitted that the amendments obviate the objection to claims 13 and 14 and the rejection of claims 13, 14 and 18 under §112. Withdrawal of the objection and the rejection is respectfully requested.

Furthermore, because the claims have only been amended to address matters of form, it is respectfully submitted that the amendments do not raise any new issues which would require further consideration and/or search. Applicants note that although the amended version of claim 10 now specifically recites that all of the contact surfaces are flat, this change does not raise a new issue, as this feature has always been recited in claim 19. Accordingly, entry of the Amendment After Final Rejection is respectfully requested.

PRIOR ART REJECTIONS

A. Claims 10, 13, 14, 18-21 and 23

Claims 10, 13, 14, 18-21 and 23 are rejected under 35 U.S.C. §103(a) over Fanzutti et al. (WO 03/030696), in view of Hufnagl (U.S. Patent No. 5,367,607), and further in view of Green (US Publication No. 2004/0009281). The rejection is respectfully traversed.

Independent claim 10 recites a coffee machine that includes a water-guiding pipe thermally connected to two heating rods provided at opposite sides of the pipe by means

of contact surfaces. Claim 10 recites that all of the contact surfaces of the pipe and the heating rods are flat. Claim 10 also recites that the pipe has ends, into which hose-like flexible tube connecting pieces of a water supply and a water exit are inserted. Claim 10 recites that the connecting pieces are made of plastic and comprise securing means for securing the continuous heater on a housing of the coffee machine.

Claim 19 is also directed to a coffee machine. Claim 19 recites a continuous heater provided with a water-guiding pipe. Claim 19 recites two heating rods provided on opposite sides of the pipe and thermally connected to the pipe by corresponding contact surfaces, wherein all of the contact surfaces between the two heating rods and the pipe are flattened. Claim 19 also recites that the pipe has ends into which hose-like flexible tube connecting pieces of a water supply and a water exit are inserted. Finally, claim 19 recites that the connecting pieces are made of plastic and comprise securing means for securing the continuous heater on the housing of the coffee machine.

The Office Action admits that the Fanzutti and Hufnagl references fail to disclose or suggest a coffee maker which includes the claimed connecting pieces made of plastic. The Office Action asserts that it would have been obvious based on the disclosure of the Green reference, to modify the Fanzutti and Hufnagl references so that they include connecting pieces made of plastic. Applicants respectfully disagree.

The Green reference discloses a system and method for producing foamed and steamed milk for hot beverages. As shown in Fig. 1 of the Green reference, the device includes a refrigeration chamber 155 which holds a milk supply 120. A supply line 140 leads from the milk supply 120 to a milk pump 130 which pumps the milk into a hose connector 185. The device also includes an air pump 170 which pumps air into the hose connector 185. The mixture of pressurized air and milk then move through a supply line 220 to a separate nozzle body 240.

A steam generator 270 supplies steam through a steam hose 280 to the nozzle body 240. The milk and compressed air entering the nozzle body 240 through the supply line 220 are mixed with steam in the nozzle body 240. The steamed milk is then dispensed through a nozzle.

Although the Green reference teaches the use of a plastic hose connector 185, Green teaches that the plastic hose connector 185 should be used to connect a milk supply line and an air pressure supply line. Applicants also note that the hose connector is located on the refrigeration container 155. Accordingly, the hose connector is not subjected to any significant form of heat from a heating element.

In contrast, the Fanzutti and Hufnagl references are both directed to devices which include heaters which heat water moving through a water supply line. The Office Action asserts that one of ordinary skill in the art would have found it obvious to use a hose connector as disclosed in the Green reference to connect the water supply lines of either the Fanzutti or Hufnagl references at locations closely adjacent to the heating elements in those devices. Applicants respectfully submit that one of ordinary skill in the art would not have found it obvious to make this substitution.

As noted above, Green merely teaches the use of a plastic hose connector where no heating elements are present. In fact, Green's plastic connector is actually located on a refrigeration chamber. It is respectfully submitted that one of ordinary skill in the art would not install such a plastic connector closely adjacent to any heating elements for fear that the heating elements would melt or significantly damage the plastic connector. Accordingly, it is respectfully submitted that one of ordinary skill in the art would not have found it obvious to modify the Fanzutti or Hufnagl references to include the Green plastic hose connector at the ends of a water pipe connected to one or more heating elements. For all of the above reasons, it is respectfully submitted that the combination is improper and that the rejection should be withdrawn on these grounds alone.

Moreover, Applicants note that independent claims 10 and 19 both recite the use of two heating elements placed on opposite sides of a water pipe, wherein all of the contact surfaces between the water pipe and the heating rods are flattened. Although the Fanzutti reference disclosed two heating elements, Fanzutti specifically teaches that all of the contact surfaces between the water pipe and the heating elements should be curved.

The Hufnagl reference only teaches the use of a single heating element. And Hufnagl teaches that the water supply pipe should remain curved, and that only one

surface of the heater should be flattened. Hufnagl teaches that a soldered connection between the flattened surface of the heater and the curved pipe allows for heat transfer between these two elements. Nevertheless, Hufnagl does not teach flattening the contact surface on the water pipe.

Because none of the references of record disclose or suggest flattening a water pipe to provide a flattened contact surfaces on the water pipe that can contact corresponding flattened surfaces of heater elements, it is respectfully submitted that claims 10 and 19 are allowable over even the improper combination of these three references. Claims 13, 14 and 18 depend from claim 10, and claims 20, 21 and 23 depend from claim 19. It is respectfully submitted that the dependent claims are also allowable over even the improper combination of references for all the reasons discussed above, and for the additional features which they recite. In view of all the foregoing, withdrawal of the rejection of claims 10, 13, 14, 18-21 and 23 is respectfully requested.

B. Claims 16 and 22

Claims 16 and 22 are rejected under 35 USC §103(a) over Fanzutti, in view of Hufnagl, and further in view of Green and Buzzi (US Publication No. 2003/0108343). The rejection is respectfully traversed.

For all the reasons discussed above, it is respectfully submitted that it is improper to combine the Green reference with the Fanzutti and Hufnagl references. Accordingly, it is respectfully submitted that the rejection of claims 16 and 22 should also be withdrawn on these grounds alone.

Moreover, claim 16 depends from claim 10 and claim 22 depends from claim 19. It is respectfully submitted that claims 16 and 22 are allowable over even the improper combination of Fanzutti, Hufnagl and Green for all the reasons discussed above. The Buzzi reference fails to cure the deficiencies of Fanzutti, Hufnagl and Green. Accordingly, it is respectfully submitted that claims 16 and 22 are allowable over the improper combination of all four references for the reasons discussed above in

connection with independent claims 10 and 19 and for the additional features which these claims recite.

In view of all the foregoing, withdrawal of the rejection of claims 16 and 22 is also respectfully requested.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of the claims are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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